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FAX NO. 850 327 3231

P. 09

Application No. 09/908,292
Declaration Submitted Pursuant to 37 C.F.R. §1.131
Supplemental to Reply to Office Action of June 3, 2003

Agilent Dkt No. 10010218-1
R&E Dkt No. 5000-0059

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:
Kevin KILLEEN et al.

Confirmation No.: 8227

Serial No.: 09/908,292

Group Art Unit: 3754

Filing Date: July 17, 2001

Examiner: John K. FRISTOE, JR.

Title: FLOW-SWITCHING MICRODEVICE

DECLARATION SUBMITTED PURSUANT TO 37 C.F.R. § 1.131
TO ANTEDATE U.S. PATENT NO. 6,550,497 TO THIELE ET AL.

Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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SEP 14 2004

Sir:

We, Kevin Killeen and Hongfeng Yin, hereby declare as follows:

1. We are joint inventors of the subject matter described and claimed in the above-identified patent application.
2. Prior to June 20, 2001, we conceived of and reduced to practice the invention as set forth in the pending claims of the subject patent application, i.e., a microdevice for controlling fluid flow.
3. Evidence that we reduced the invention to practice is provided in the Appendix, which includes a redacted copy of the Invention Disclosure we had submitted to the Agilent Technologies Legal Department. As an initial matter, page 1 of the Invention Disclosure indicates that the invention was built or tested before the submission of the Invention Disclosure. The Invention Disclosure, as indicated on page 2, was witnessed by Tom A. Van de Goor and Sharma R. Udiavar. Pages 3-5 of the Invention Disclosure sets forth a general description of the

Application No. 09/908,292
Declaration Submitted Pursuant to 37 C.F.R. §1.131
Supplemental to Reply to Office Action of May 28, 2003

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invention, and pages 6-17 are slides that provide diagrams, illustrations and photographs of various components of the invention as well as test data associated with the use of the invention.

4. As all dates obscured in the redacted copy of the Invention Disclosure are prior to June 20, 2001, it should be evident that the invention was reduced to practice before June 20, 2001, i.e., prior to the filing date of U.S. Patent No. 6,550,497 to Thiele et al.

We hereby declare that all statements made herein of our knowledge are true and that all statements made on information and belief are believed to be true; and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date:

Aug 22, 2003
Kevin KILLEEN

Date:

Aug. 22, 2003
Hongfeng YIN

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